

PTO/SB/31(06-03)

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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**Docket Number (Optional)
100718-49 (Beiersdorf 5/9/12)**CERTIFICATE OF FACSIMILE TRANSMISSION**I hereby certify that this correspondence is being transmitted
via facsimile to the United States Patent and Trademark
Office on the 8th day of June, 2004.

Agata Ghinska

In re Application of
Diembeck et al.Application Number
09/367,748Filed
19 November 1999For
Compositions for Treating Acne RosaceaArt Unit
1616Examiner
Marina LammApplicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner
dated March 31, 2004 finally rejecting claims 1,2,4-8,11-15 and 19-24.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

- ☐ Applicant claims small entity status. See 37 CFR 1.26. Therefore, the fee amount shown above is reduced by half, and the resulting fee is: \$ _____
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.36(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
- ☐ attorney or agent of record. Registration number if acting under 37 CFR 1.34(a) 48,104
- ☐ attorney or agent under 37 CFR 1.34(a).

June 8, 2004

Date

(212) 808-0700
Telephone NumberHoward C. Lee
SignatureHoward C. Lee
Typed or printed name**NOTE:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.8. This information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND PERS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

Beiersdorf Inc. 2 HC
67-117-1-5-51
OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : DIEMBECK et al.
SERIAL NO. : 09/367,748
FILED : 19 November 1999
FOR : COMPOSITIONS FOR TREATING ACNE ROSEACEA
ART UNIT : 1616
EXAMINER : M. Lamm

8 June 2004

Mail Stop: AF
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR § 1.116

SIR:

In response to the Office Action dated 31 March 2004, please amend the above-identified application as follows as stated in the "Amendments to the Specification"; "Amendments to the Claims" and "Amendments to the Drawings" sections (as applicable) in this response.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.